

Atty Docket No.: R0151B-REG
USSN: 10/702,302

REMARKS

Claims 1-50 are pending in the above-identified patent application. Claims 1, 14 and 47 are amended herein. Claims 4 and 17-32 are canceled by this Amendment. Claims 44-46 are withdrawn.

1. Restriction

The Examiner restricted Applicants claims as follows:

Group I, Claims 1-16 (in part) and 17-24, drawn to benzo[1,4]oxazine-3-one compounds, composition, and method of making, classified in class 544, subclass 105;

Group II, Claims 1-16 (in part), 25-32, 33-43 (in part) and 47-50 (in part), drawn to benzo[1,3,4]oxathiazine-2,2-dioxide compounds, composition, and method of making, classified in class 544, subclass 2;

Group III, Claims 1-3 (in part), 33-35 (in part) and 47-50 (in part), drawn to benzo fused to 7 membered ring with N, O or with N, O and S, composition, and method of making, classified in class 540, subclass 491; and

Group IV, Claims 44-66, drawn to a method of treating central nervous system and gastrointestinal tract diseases, classified in class 514, subclass various.

The Applicants elect Group I, benzo[1,4]oxazine-3-one compounds, compositions and related methods, wherein Y is C, m is 1 and n is 1. This election is made without traverse, with the understanding that method claims 44-46 may be rejoined in the event that elected base claim 1 is found allowable.

Claims 1, 14 and 47 have been amended, in accordance with Applicants' election of Group I, to remove non-elected subject matter. Claims 35-32, which are directed to non-elected subject matter, have been canceled without prejudice. Claims 4 and 17-24 are made redundant by Applicants' election and also have been canceled without prejudice. Method claims 44-46 are withdrawn.

In the event that election of a species is required within Group I for examination purposes, Applicants elect the species wherein Z is -CH₂-, X is N, p is 0, q is 2, R² is optionally substituted phenyl, and R³, R⁴, R⁵, R⁶, R⁷, R⁸ and R⁹ are hydrogen.

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CONCLUSION

The Applicants respectfully believe that all claims pending in the above-identified case are now in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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